

201904596

Jason Valentino

On May 25, 2019, Sergeant Jason Valentino and a team of anti-crime officers approached a group of men and, according to a witness, frisked them. The stop was captured on a security camera, but recorded at such a distance that it was not clear if the officers frisked the men or just spoke to them. In any case, these men were not identified because none of the officers completed a stop, question, and frisk form, and no officer recorded this stop in their memo books.

After frisking this man, the officers returned to their cars, but stopped after they drove past a man who had been observing him. They got out of their car, approached the man, frisked him, and pushed him to the ground, then arrested him for disorderly conduct.

According to the man, when the officers approached him, he removed his cell phone and a water bottle from his pockets. The officers then approached him and frisked him, and when he complained about officers touching his groin area they threw him to the ground, with one officer—Sergeant Valentino—driving his knee into the man's chest.

According to the officers, the man had a cylindrical bulge in his pocket, and when they approached he first turned his body to the side, and then took on a "fighting stance." Sergeant Valentino stated that the man threw a punch at another officer and that is why they tackled him and arrested him for disorderly conduct. Sergeant Valentino specifically denied driving his knee into the man's chest.

The incident was captured on body worn camera and by two bystanders. These videos show that when the first officer arrives, the man has his hands out of his pockets, and in one of them he is holding a plastic bottle with a blue label. At no point does the man lift his fists or throw a punch. The officers approach him and the view from the cameras is obstructed by the man's body for a moment. On the audio, the man is heard complaining about officers touching his groin area. The video then shows the officers take him to the ground, and capture Sergeant Valentino driving his knee into the man's chest for fourteen seconds while the man is motionless on the ground. When Sergeant Valentino removes his knee and the man handcuffed, the man asks for the officers' names, and another officer states to him that they aren't required to give their names, and curses at him.

At his CCRB interview, Sergeant Valentino arrived with memo book entries that were a wholesale rewriting of the incident from the entries that he wrote on the day of the incident.

The CCRB found that the officers had improperly stopped the man, that Sergeant Valentino has improperly restricted his breathing, and that the other officer had cursed and failed to provide his name and shield number. It also found that Sergeant Valentino had provided a false statement to the CCRB because he lied about doctoring his memo book before being interviewed.

The NYPD issued Sergeant Valentino a command discipline for this incident and has since promoted him to Lieutenant.

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Jean Paul Lozada	Team: Squad #2	CCRB Case #: 201904596	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 05/22/2019 10:31 PM	Location of Incident: [REDACTED]	Precinct: 46	18 Mo. SOL 11/22/2020	EO SOL 7/9/2021	
Date/Time CV Reported Fri, 05/24/2019 5:50 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Fri, 05/24/2019 5:50 PM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

Witness(es)	Home Address
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POM Keith Figueroa	28992	§ 87(2)(b)	PBBX SU
2. SGT Jason Valentino	02347	§ 87(2)(b)	PBBX SU
3. DTS Daniel Beddows	7398	§ 87(2)(b)	PBBX SU

Officer(s)	Allegation	Investigator Recommendation
A . SGT Jason Valentino	Abuse of Authority: Sergeant Jason Valentino stopped individuals.	A . § 87(2)(g)
B . SGT Jason Valentino	Abuse of Authority: Sergeant Jason Valentino frisked individuals.	B . § 87(2)(g)
C . SGT Jason Valentino	Abuse of Authority: Sergeant Jason Valentino searched individuals.	C . § 87(2)(g)
D . POM Keith Figueroa	Abuse of Authority: Police Officer Keith Figueroa questioned § 87(2)(b)	D . § 87(2)(g)
E . SGT Jason Valentino	Abuse of Authority: Sergeant Jason Valentino questioned § 87(2)(b)	E . § 87(2)(g)
F . POM Keith Figueroa	Abuse of Authority: Police Officer Keith Figueroa stopped § 87(2)(b)	F . § 87(2)(g)
G . SGT Jason Valentino	Abuse of Authority: Sergeant Jason Valentino stopped § 87(2)(b)	G . § 87(2)(g)
H . POM Keith Figueroa	Abuse of Authority: Sergeant Jason Valentino frisked § 87(2)(b)	H . § 87(2)(g)
I . SGT Jason Valentino	Abuse of Authority: Sergeant Jason Valentino frisked § 87(2)(b)	I . § 87(2)(g)
J . POM Keith Figueroa	Force: Police Officer Keith Figueroa used physical force against § 87(2)(b)	J . § 87(2)(g)
K . SGT Jason Valentino	Force: Sergeant Jason Valentino used physical force against § 87(2)(b)	K . § 87(2)(g)
L . SGT Jason Valentino	Force: Sergeant Jason Valentino restricted § 87(2)(b) breathing.	L . § 87(2)(g)

Officer(s)	Allegation	Investigator Recommendation
M . DTS Daniel Beddows	Force: Detective Daniel Beddows restricted § 87(2)(b) breathing.	M . § 87(2)(g)
N . POM Keith Figueroa	Discourtesy: Police Officer Keith Figueroa spoke discourteously to § 87(2)(b)	N . § 87(2)(g)
O . DTS Daniel Beddows	Discourtesy: Detective Daniel Beddows spoke discourteously to § 87(2)(b)	O . § 87(2)(g)
P . POM Keith Figueroa	Abuse of Authority: Police Officer Keith Figueroa refused to provide his name to an individual.	P . § 87(2)(g)
Q . POM Keith Figueroa	Discourtesy: Police Officer Keith Figueroa spoke discourteously to individuals.	Q . § 87(2)(g)
R . SGT Jason Valentino	Discourtesy: Sergeant Jason Valentino spoke discourteously to individuals.	R . § 87(2)(g)
S . POM Keith Figueroa	Abuse of Authority: Police Officer Keith Figueroa refused to provide his shield number to individuals.	S . § 87(2)(g)
T . SGT Jason Valentino	Abuse of Authority: Sergeant Jason Valentino refused to provide his shield number to individuals.	T . § 87(2)(g)
U . DTS Daniel Beddows	Abuse of Authority: Detective Daniel Beddows refused to provide his name to § 87(2)(b)	U . § 87(2)(g)
V . DTS Daniel Beddows	Abuse of Authority: Detective Daniel Beddows refused to provide his shield number to § 87(2)(b)	V . § 87(2)(g)
§ 87(4-b), § 87(2)(g)		
Z . SGT Jason Valentino	Other: There is evidence suggesting Sergeant Jason Valentino provided a false official statement in violation of PG 203-08.	Z . § 87(2)(g)

Case Summary

On May 24, 2019, § 87(2)(b) filed this complaint with the CCRB via the Call Processing System.

On May 22, 2019, at approximately 10:31 p.m., § 87(2)(b) parked his car at § 87(2)(b) and § 87(2)(b) in the Bronx, and he allegedly saw Sergeant Jason Valentino, Detective Daniel Beddows, and Police Officer Keith Figueroa of Patrol Borough Bronx Anti-Crime stop, frisk, and search a group of approximately six to seven unidentified males (**Allegations A, B, and C: Abuse of Authority – Stop, Frisk, Search; § 87(2)(g)**) who were released without summonses.

§ 87(2)(b) began walking towards his apartment building at § 87(2)(g). The officers got back in their car and drove past § 87(2)(b) but then reversed towards him and exited their car. Police Officer Figueroa allegedly said, “Where’s the weapon? I know you probably have a gun or warrants” (**Allegations D and E: Abuse of Authority – Question, § 87(2)(g)**). The officers stopped § 87(2)(b) (**Allegations F and G: Abuse of Authority – Stop, § 87(2)(g)**), and Police Officer Figueroa allegedly frisked § 87(2)(b) (**Allegations H and I: Abuse of Authority – Frisk; § 87(2)(g)**).

§ 87(2)(b) became uncomfortable when Police Officer Figueroa touched his groin area while frisking him, so he moved his hips back and brought his knees together. Police Officer Figueroa and Sergeant Valentino then brought § 87(2)(b) down to the ground (**Allegations J and K: Force – Physical Force, § 87(2)(g)**). Sergeant Valentino placed a knee on § 87(2)(b)'s chest for approximately 16 seconds, restricting § 87(2)(b)'s breathing, and Detective Beddows allegedly did the same (**Allegations L and M: Force – Restricted Breathing; § 87(2)(g)**, **§ 87(2)(g)**). Police Officer Figueroa told § 87(2)(b) to “Relax the fuck up” (**Allegation N: Discourtesy – Word, § 87(2)(g)**). Detective Beddows also allegedly used profanities during this struggle (**Allegation O: Discourtesy – Word, § 87(2)(g)**).

The officers handcuffed § 87(2)(b) and brought him to their police vehicle. An unidentified witness asked Police Officer Figueroa for his name, and Police Officer Figueroa replied, “I don’t need to tell you my name” (**Allegation P: Abuse of Authority – Refusal to Provide Name, § 87(2)(g)**). Both Police Officer Figueroa and Sergeant Valentino allegedly said, “Mind your fucking business, get out of here,” when unidentified individuals asked them for their shield numbers (**Allegations Q and R: Discourtesy - Word, § 87(2)(g)**; **Allegations S and T – Abuse of Authority: Refusal to Provide Shield Number, § 87(2)(g)**).

The officers placed § 87(2)(b) inside their police vehicle. As Police Officer Figueroa stepped into the car, § 87(2)(b) said, “You did all that for nothing, boss,” and Police Officer Figueroa replied, “You were doing that shit for no reason, right?” (**within Allegation N**). § 87(2)(b) said he was a college student who lived nearby, and Detective Beddows allegedly replied, “I don’t give a fuck about that” (**within Allegation O**). § 87(2)(b) allegedly asked Detective Beddows for his name and shield number, and Detective Beddows allegedly refused to provide them (**Allegations U and V: Abuse of Authority – Refusal to Provide Name and Shield Number, § 87(2)(g)**). The officers transported § 87(2)(b) to the 46th Precinct stationhouse, where he was released with a summons for disorderly conduct issued by Police Officer Figueroa (Board Review 01).

§ 87(4-b), § 87(2)(g)

§ 87(2)(g), § 87(4-b)

At his CCRB interview, Sergeant Valentino provided a copy of his memo book to the CCRB that differed from the copy provided by Patrol Borough Bronx Anti-Crime (Board Review 02) (**Allegation Z: Other Misconduct – False Official Statement**).

Body-worn camera (BWC) footage was obtained from the BWCs of Sergeant Valentino (Board Review 03), Detective Beddows (Board Review 04), and Police Officer Figueroa (Board Review 05, 06).

Footage was obtained from the surveillance cameras affixed to the exterior of § 87(2)(b) (Board Review 07). § 87(2)(b) provided three videos filmed by neighbors who he was unable to identify, which were provided to him by his cousin, § 87(2)(b) (Board Review 08, 09, 10). These witnesses first began filming just before § 87(2)(b) was taken to the ground.

Findings and Recommendations

Allegation (A) Abuse of Authority: Sergeant Jason Valentino stopped individuals.

Allegation (B) Abuse of Authority: Sergeant Jason Valentino frisked individuals.

Allegation (C) Abuse of Authority: Sergeant Jason Valentino searched individuals.

§ 87(2)(b) was interviewed at the CCRB on May 30, 2019 (Board Review 11). § 87(2)(b) is cousin, § 87(2)(b) who witnessed the incident, provided a telephone statement on June 27, 2019 (Board Review 12). Police Officer Figueroa was interviewed on October 31, 2019 (Board Review 13). Sergeant Valentino was interviewed on December 24, 2019 (Board Review 14), and a follow-up interview was conducted with Sergeant Valentino on February 12, 2020 (Board Review 15). Detective Beddows was interviewed on January 29, 2020 (Board Review 16).

§ 87(2)(b) stated that as he parked his car in front of his building, he saw Sergeant Valentino, Detective Beddows, and Police Officer Figueroa approach a group of approximately six to seven unknown males across the street at the southwest corner of § 87(2)(b) and immediately begin frisking them. Each officer frisked at least one of these individuals. The officers frisked each individual from head to toe, shook their waistbands, and reached into their socks. The males asked why they were stopped, and § 87(2)(b) did not hear how the officers responded. § 87(2)(b) did not know whether any of these males were arrested or issued a summons.

In the surveillance footage from § 87(2)(b) (Board Review 07), at runtime 00:07, immediately before their interaction with § 87(2)(b) Sergeant Valentino, Detective Beddows, and Police Officer Figueroa stop and exit their police vehicle at the southwest corner of § 87(2)(b) and interact with a group of individuals at the corner. What the officers do with these individuals is unclear because the footage is pixelated, and the corner is distant.

The officers' BWC footage (Board Review 03-06) does not capture their interaction with these individuals. The interaction is not documented in any of their memo books (Board Review 17). The 46th Precinct Stop, Question, and Frisk Report Index indicates that the only Stop, Question, and Frisk Report prepared on May 22, 2019 is for § 87(2)(b) (Board Review 18).

Sergeant Valentino, Detective Beddows, and Police Officer Figueroa were each shown the footage from § 87(2)(b) and none of them recalled what happened at the southwest corner of § 87(2)(b) before their interaction with § 87(2)(b).

An officer may stop and detain § 87(2)(b) if he or she has reasonable suspicion that the individual has committed, is committing, or is about to commit a crime (People v. DeBour, 40 N.Y.2d 210, Board Review 19). DeBour also states that in order to frisk § 87(2)(b) an officer must have reasonable suspicion to believe that the individual is armed, and that if the officer feels an object during the frisk that he believes to be a weapon, he may remove this object.

§ 87(2)(g)

§ 87(2)(g)

Allegation (D) Abuse of Authority: Police Officer Keith Figueroa questioned § 87(2)(b)

Allegation (E) Abuse of Authority: Sergeant Jason Valentino questioned § 87(2)(b)

Allegation (F) Abuse of Authority: Police Officer Keith Figueroa stopped § 87(2)(b)

Allegation (G) Abuse of Authority: Sergeant Jason Valentino stopped § 87(2)(b)

Allegation (H) Abuse of Authority: Police Officer Keith Figueroa frisked § 87(2)(b)

Allegation (I) Abuse of Authority: Sergeant Jason Valentino frisked § 87(2)(b)

§ 87(2)(b) stated that he was walking towards his building when the officers exited their vehicle and Police Officer Figueroa said, “Where’s the gun? I know you probably have a gun or warrants.” § 87(2)(b) lifted his shirt, exposing his waist, and said he did not have any weapons. § 87(2)(b) then raised his hands in the air while holding his iPhone in his left hand and a bottle of Fiji water in his right hand. § 87(2)(b) was carrying his keys in his right jacket pocket, his wallet in his left jacket pocket, and his identification in his right pants pocket. Police Officer Figueroa frisked § 87(2)(b) s legs without his consent while he was still holding his phone and water in his hands.

§ 87(2)(b) stated that the officers exited their car, ran up to § 87(2)(b) and told him to get on the ground, § 87(2)(b) lifted his palms and said he did not have anything. The officers then pushed § 87(2)(b) against a fence. § 87(2)(b) did not see any officer frisk § 87(2)(b) at any point.

In Sergeant Valentino’s BWC footage (Board Review 03), Sergeant Valentino and Detective Beddows are seen exiting the police vehicle and walking onto the sidewalk, where Police Officer Figueroa is interacting with § 87(2)(b). Beginning at runtime 00:54, § 87(2)(b) and Police Officer Figueroa are seen facing each other in close proximity to one another, and Sergeant

Valentino approaches them from behind § 87(2)(b). At 00:57, § 87(2)(b) is seen holding what appears to be a clear plastic bottle with a blue label in his right hand. At this moment, his arms are motionless and at his sides. At runtime 00:59, Sergeant Valentino grabs § 87(2)(b)'s left elbow. The BWC's view then becomes completely obstructed by § 87(2)(b)'s back until runtime 01:10 because Sgt. Valentino is standing directly behind § 87(2)(b). At runtime 01:00, the audio begins, and at 01:09, § 87(2)(b) is heard saying, "Stop touching my nuts bro, he's touching my dick, yo." At 01:10, Sergeant Valentino grabs § 87(2)(b)'s right arm, and Police Officer Figueroa grabs § 87(2)(b)'s left leg. The officers then bring § 87(2)(b) down to the ground (see Allegations G and H). This video is inconclusive as to whether Police Officer Figueroa frisked § 87(2)(b) because Police Officer Figueroa's hands are not visible before § 87(2)(b) is brought to the ground.

As stated above, none of the remaining videos clearly capture this portion of the incident.

Each officer stated that while driving down § 87(2)(b) he saw a bulge in a pocket of § 87(2)(b)'s sweater, and each officer believed this bulge to be a weapon.

- Police Officer Figueroa stated that § 87(2)(b) appeared to be holding a cylindrical object in his pocket of his sweater with one hand. The object looked heavy and round. Police Officer Figueroa did not recall the size of the object. § 87(2)(b) moved his shoulder into his body ("bladed" his body) multiple times as the officers approached him. Nothing besides the heavy cylindrical object and § 87(2)(b) blading his body suggested to Police Officer Figueroa that § 87(2)(b) had a weapon.
- Sergeant Valentino stated that he could not tell the shape of the object in § 87(2)(b)'s pocket, but he noted it was "heavy and weighted," like a firearm. § 87(2)(b) "bladed" his body by turning the side with the pocket away from Police Officer Figueroa as he approached him.
- Detective Beddows stated that § 87(2)(b)'s hand was in his pocket, and he believed the object in his pocket could have been a gun because it was heavy and "shaped like the muzzle of a gun." The object produced a bulge that was approximately five to six inches long. When asked how the bulge was shaped, Detective Beddows said, "The shape was like a muzzle, it was long and pointed at the end." Detective Beddows was then asked if he had anything more to add about the outline of the object, and he said, "That it could have been a possible firearm from seeing numerous bulges in peoples' clothes from firearms." Det. Beddows did not recall which direction the object was pointed, and he did not know whether the object appeared to be rigid.

Police Officer Figueroa stated that after he exited his vehicle, § 87(2)(b) immediately became "combative" and cursed at the officers about them exiting their vehicle. Police Officer Figueroa denied saying anything akin to, "Where's the gun? I know you probably have a gun or warrants." Police Officer Figueroa asked § 87(2)(b) what was in his pocket, and § 87(2)(b) said, "Don't fucking touch me," and threatened to fight the officers. § 87(2)(b) took a "combative stance" as Police Officer Figueroa approached him. He removed his hand from his pocket, and Police Officer Figueroa believed § 87(2)(b) did this to "create space" between himself and the officers. Police Officer Figueroa believed § 87(2)(b) extended his arm toward him and intended to push him. § 87(2)(b) kept his other hand inside his pocket. Police Officer Figueroa did not recall whether the shape or appearance of the item in § 87(2)(b)'s pocket changed when § 87(2)(b) removed his hand from his pocket. Approximately 15 to 30 seconds after beginning his interaction with § 87(2)(b) Police Officer Figueroa grabbed both of § 87(2)(b)'s arms because he did not know what § 87(2)(b) had in his sweater, and he intended to "go in there and check." At this point, Police Officer Figueroa considered § 87(2)(b) to be under arrest for disorderly conduct for trying to fight the officers, "pushing" them, and cursing at them. § 87(2)(b) "flailed" his arms,

swung his elbows from side to side, and pulled away from Police Officer Figueroa. Police Officer Figueroa and Sergeant Valentino then brought § 87(2)(b) down to the ground (see Allegations J and K). Police Officer Figueroa did not recall frisking § 87(2)(b) before bringing him down to the ground, but he noted that § 87(2)(b) was frisked and searched before being placed into the police vehicle.

In the Stop, Question, and Frisk Report prepared by Police Officer Figueroa for § 87(2)(b) (Board Review 18), Police Officer Figueroa wrote that he “observed the defendant clutching a heavy bulge in his hoodie pocket resembling the shape of a weapon. A frisk of the immediate area yielded negative results of a weapon as it was revealed to be a bottle of juice.”

Sergeant Valentino stated that Police Officer Figueroa was the first officer to notice the bulge in § 87(2)(b)'s pocket and suggested to him and Detective Beddows that the officers “speak to” § 87(2)(b). As Police Officer Figueroa approached § 87(2)(b) “bladed” his body by turning the side with the pocket away from the officers. Sergeant Valentino did not recall whether Police Officer Figueroa said anything like, “Where’s the weapon? I know you have a gun or warrants” to § 87(2)(b). § 87(2)(b) took a “fighting stance” by raising his fists, and he threw punches before Police Officer Figueroa began speaking to him, but none of these punches made contact with Police Officer Figueroa. After approximately two seconds, Police Officer Figueroa grabbed § 87(2)(b)'s leg, possibly behind the thigh. Police Officer Figueroa lifted § 87(2)(b)'s leg, and he and Sergeant Figueroa then brought § 87(2)(b) down to the ground. Police Officer Figueroa did not frisk § 87(2)(b)'s legs before bringing him to the ground.

Detective Beddows stated that after the officers noticed the bulge in § 87(2)(b)'s pocket, they discussed their observations and collectively decided to approach § 87(2)(b) to “check him.” He denied that Detective Figueroa said, “Where’s the weapon? I know you probably have a gun or warrants” to § 87(2)(b). Police Officer Figueroa asked § 87(2)(b) to remove his hands from his hoodie pocket numerous times, and § 87(2)(b) refused to comply. § 87(2)(b) said, “I’m not taking my hands out of my pocket,” and, “Leave me the fuck alone.” This made Detective Beddows fear for their safety because the object § 87(2)(b) held in his pocket resembled a firearm. Bystanders began to approach the officers, at which point the officers grabbed § 87(2)(b) to remove his hands from his pockets. Detective Beddows’ back was turned to § 87(2)(b) and Police Officer Figueroa because he “had to start holding the crowd back.” Detective Beddows stated that Police Officer Figueroa did not frisk § 87(2)(b) before the ensuing “struggle” began, but he also noted that he faced the crowd for much of the incident.

An officer may stop and detain § 87(2)(b) if he or she has reasonable suspicion that the individual has committed, is committing, or is about to commit a crime (People v. DeBour, 40 N.Y.2d 210, Board Review 19). DeBour also states that in order to frisk § 87(2)(b) an officer must have reasonable suspicion to believe that the individual is armed. DeBour notes that a “pocket bulge” can be caused by “any number of innocuous objects,” while a waistband bulge is “telltale of a weapon.” § 87(2)(b) in a high-crime area early in the morning who has a weighted-down bulge in his pocket, changes course after noticing officers, blades his body as an officer approaches him, and attempts to block the officer’s hand from touching the bulge, only provides the officers with founded suspicion and, in totality, does not create the reasonable suspicion necessary to stop and frisk the individual (People v. Gerard, 942 N.Y.S.2d 112, Board Review 19). An officer’s observation of a bulge on § 87(2)(b)'s person that is “readily susceptible of an innocent as well as a guilty explanation” permits the officer to ask the individual if he has a weapon, but such an observation is insufficient to permit the officer to stop the individual (People v. Stevenson, 7 A.D.3d 820, Board Review 19).

§ 87(2)(g) [REDACTED]

§ 87(2)(g) [REDACTED]

§ 87(2)(g) [REDACTED]

§ 87(2)(g) [REDACTED]

§ 87(2)(g) [REDACTED]

Allegation (J) – Force: Police Officer Keith Figueroa used physical force against § 87(2)(b) [REDACTED].

Allegation (K) – Force: Sergeant Jason Valentino used physical force against § 87(2)(b) [REDACTED].

It is undisputed amongst § 87(2)(b) and the officers that § 87(2)(b) offered some degree of physical resistance, and that Police Officer Figueroa and Sergeant Valentino then brought him down to the ground. § 87(2)(g)

§ 87(2)(b) stated that while Police Officer Figueroa frisked his legs, Sergeant Valentino wrapped his arms around his raised arms under the armpits from behind. While frisking § 87(2)(b)'s legs, Police Officer Figueroa "cupped" § 87(2)(b) groin, which made § 87(2)(b) uncomfortable. § 87(2)(b) moved his knees together, moved his hips back, and said, "Don't fucking touch me." Police Officer Figueroa lifted § 87(2)(b)'s legs off of the ground while Sergeant Valentino held him by his arms, thus suspending him off of the ground. § 87(2)(b) fell to the ground and landed on his back, and the back of his head impacted the pavement, resulting in swelling and headaches.

§ 87(2)(b) reported that officers slammed his head and right shoulder into a concrete surface. § 87(2)(b) both reported and denied that he lost consciousness, and he reported that he vomited once. § 87(2)(b) had difficulty raising his right arm above his head and rotating his arm. § 87(2)(b)

§ 87(2)(b) stated that after § 87(2)(b) lifted his palms and said he did not have anything, the officers pushed him against a fence. The officers grabbed § 87(2)(b)'s arms and pulled them behind his back. The officers then pushed § 87(2)(b) to the ground, and § 87(2)(b) landed on his face. § 87(2)(b) was unable to specify which officer(s) took these actions.

None of the videos clearly capture what happened in the moments before the officers brought § 87(2)(b) down to the ground.

In Sergeant Valentino's BWC footage (Board Review 03), Sergeant Valentino is seen walking towards § 87(2)(b) who appears to be motionless, from behind. At runtime 00:59, Sergeant Valentino grabs § 87(2)(b)'s left elbow. The BWC's view then becomes completely obstructed by § 87(2)(b)'s back until runtime 01:10 because Sgt. Valentino is standing directly behind § 87(2)(b). At runtime 01:00, the audio begins, and at 01:09, § 87(2)(b) is heard saying, "Stop touching my nuts bro, he's touching my dick, yo." At 01:10, Sergeant Valentino grabs § 87(2)(b)'s right arm, and Police Officer Figueroa grabs § 87(2)(b)'s left leg. The officers then bring § 87(2)(b) down to the ground.

The first video filmed by an unidentified witness (Board Review 08) begins at the moment when Police Officer Figueroa wraps his arms around § 87(2)(b)'s right leg from in the front, while Sergeant Valentino puts his arms under § 87(2)(b)'s armpits from behind. Together, they lift § 87(2)(b) off the ground and he falls to the ground, landing on his back.

The videos show at least two male civilians and one female civilian standing near § 87(2)(b) during the incident. The extent of their involvement before § 87(2)(b) is brought to the ground is not captured on any video. However, once the officers bring him to the ground, these bystanders move closer to the officers and shout at them.

Police Officer Figueroa stated that after § 87(2)(b) said, "Don't fucking touched me" and extended his arm toward him, he grabbed both of § 87(2)(b)'s arms because he did not know what § 87(2)(b) had in his hoodie. He noted that he already considered § 87(2)(b) under arrest.

for disorderly conduct for trying to fight the officers, “pushing” them, and cursing at them. § 87(2)(b) “flailed” his arms, swung his elbows from side to side, and pulled away from Police Officer Figueroa. Sergeant Valentino grabbed § 87(2)(b) from behind, but Police Officer Figueroa could not recall exactly how Sgt. Valentino grabbed him. Police Officer Figueroa grabbed § 87(2)(b) s legs. § 87(2)(b) landed on his hands and knees with his stomach toward the ground. Police Officer Figueroa did not recall whether § 87(2)(b) was placed on the ground or fell to the ground.

In the summons he issued to § 87(2)(b) (Board Review 01), Police Officer Figueroa wrote that § 87(2)(b) “[engaged] in a fighting stance and [swung] his arms toward” him.

According to the Threat, Resistance, and Injury Worksheet prepared by Police Officer Figueroa (Board Review 21), § 87(2)(b) was “wrestling/grappling” and “pushing/shoving” the officers, and he used a forcible takedown against § 87(2)(b) to defend himself, other officers, and members of the public. Police Officer Figueroa indicated on this report that § 87(2)(b) was not injured.

Sergeant Valentino stated that as Police Officer Figueroa approached § 87(2)(b) took a “fighting stance” by raising his fists, and he began throwing punches before Police Officer Figueroa spoke, but none of these punches made contact with Police Officer Figueroa. After approximately two seconds, Police Officer Figueroa lifted § 87(2)(b) s leg, and Sergeant Valentino lifted § 87(2)(b) from beneath his armpits. They then lowered § 87(2)(b) down to the ground, face-up.

Detective Beddows did not know how § 87(2)(b) was brought down to the ground because he was facing away from § 87(2)(b) and dealing with the crowd at the time. Detective Beddows “had to start holding the crowd back” because they got closer to the officers and tried to prevent them from “doing [their] job.” The crowd consisted of approximately 10 to 15 people, and it was approximately five to six feet away from Police Officer Figueroa and Sergeant Valentino while they engaged with § 87(2)(b).

Patrol Guide Procedure 221-01 (Board Review 19) allows officers to use force when it is reasonable to ensure the safety of a member of the service, or when it is reasonable to place a person in custody. Factors to be considered in determining whether the use of force is reasonable include the following: the nature and severity of the crime/circumstances; actions taken by the subject; duration of the action; immediacy of the perceived threat or harm to the subject; members of service or bystanders; whether the subject is actively resisting custody; whether the subject is attempting to evade arrest by flight; the number of subjects in comparison to the number of members of service; size, age and condition of the subject in comparison to the member of service; subject’s violent history if known; presence of a hostile crowd or agitators; and whether the subject is apparently under the influence of a stimulant/narcotic which would affect pain tolerance or increase the likelihood of violence.

§ 87(2)(g)
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§ 87(2)(g)

Allegation (L) – Force: Sergeant Jason Valentino restricted § 87(2)(b) s breathing.
Allegation (M) – Force: Detective Daniel Beddows restricted § 87(2)(b) s breathing.

§ 87(2)(b) stated that after he fell onto his back, Detective Beddows placed his knee on his chest, restricting his breathing for approximately 30 seconds.

A video filmed by an unidentified witness (Board Review 08) shows Sergeant Valentino placing his right knee on § 87(2)(b) s chest at runtime 00:07. Sergeant Valentino lifts his knee from § 87(2)(b) s chest at runtime 00:23, four seconds before the officers lifted him off the ground. During this time, Sergeant Valentino holds onto § 87(2)(b) s right arm and Police Officer Figueroa holds onto his left leg. Sergeant Valentino’s knee is seen on § 87(2)(b) s chest in a video filmed by another unidentified witness (Board Review 09). § 87(2)(b) appears to be motionless while he was on the ground. None of the videos show Detective Beddows involved in the officers’ physical struggle with § 87(2)(b) until he helps them lift him off the ground.

Sergeant Valentino denied placing his knee on § 87(2)(b) s chest. Detective Beddows denied placing a knee on § 87(2)(b) s chest, and both he and Police Officer Figueroa did not recall any other officer doing so.

Patrol Guide Procedure 221-02 (Board Review 19) states officers should “Apply no more than the reasonable force necessary to gain control,” and, “Avoid actions which may result in chest compression, such as sitting, kneeling, or standing on a subject’s chest or back, thereby reducing the subject’s ability to breathe.”

§ 87(2)(g)

Allegation (N) – Discourtesy: Police Officer Keith Figueroa spoke discourteously to § 87(2)(b).

Sergeant Valentino’s BWC footage (Board Review 03) shows Police Officer Figueroa telling § 87(2)(b) to “Relax the fuck up” while the officers struggled with § 87(2)(b) on the ground and the bystanders yelled and encroached around them. Later, as Police Officer Figueroa steps into the police vehicle, § 87(2)(b) said, “You did all that for nothing, boss,” and Police Officer Figueroa replies, “You were doing that shit for no reason, right?”

Police Officer Figueroa stated that he used profanities towards § 87(2)(b) because the scene was “chaotic” and § 87(2)(b) was “combative.” When shown a video filmed by an unidentified witness (Board Review 08), he identified himself as the officer who said, “Relax the fuck up.” (The voice in Sergeant Valentino’s BWC footage that says, “You were doing that shit for no reason, right?” is the same voice.)

According to Patrol Guide Procedure 200-02 (Board Review 20), the NYPD is committed to “treating every citizen with compassion, courtesy, professionalism, and respect.” Officers may use profanities “in the context of a dynamic situation over which [he or she is] attempting to gain control,” but many not do so when it “[serves] no legitimate purpose but to belittle” a civilian (PD v. Pichardo, DAO DCT Case Number 2015-15012, Board Review 20).

§ 87(2)(g)

Allegation (O) – Discourtesy: Detective Daniel Beddows spoke discourteously to § 87(2)(b).

Allegation (Q) - Discourtesy: Police Officer Keith Figueroa spoke discourteously to individuals.

Allegation (R) - Discourtesy: Sergeant Jason Valentino spoke discourteously to individuals.

Allegation (S) - Abuse of Authority: Police Officer Keith Figueroa refused to provide his shield number to individuals.

Allegation (T) - Abuse of Authority: Sergeant Jason Valentino refused to provide his shield number to individuals.

Allegation (U) - Abuse of Authority: Detective Daniel Beddows refused to provide his name to § 87(2)(b).

Allegation (V) - Abuse of Authority: Detective Daniel Beddows refused to provide his shield number to § 87(2)(b).

§ 87(2)(b) stated that while he and the officers struggled on the ground, Detective Beddows (in addition to Police Officer Figueroa, see Allegation N) also said, “Stop fucking moving,” “Stop fucking resisting,” “Calm the fuck down,” and, “Cool the fuck out.” He told the officers they were hurting his shoulder while they handcuffed him, and Detective Beddows allegedly replied, “I don’t give a fuck.” After § 87(2)(b) was handcuffed and taken to the police vehicle, both Police Officer Figueroa and Sergeant Valentino said, “Mind your fucking business, get out of here,” in response to unidentified individuals requesting their shield numbers. Once inside the vehicle, § 87(2)(b) said he was a college student who lived nearby, and Detective Beddows replied, “I don’t give a fuck about that.” § 87(2)(b) asked Detective Beddows for his name and shield number, and Detective Beddows laughed and did not provide this information.

§ 87(2)(b) stated that individuals whom she only knew as “Nate” and “Snack,” and another individual asked the officers for their shield numbers but the officers did not provide them. “Snack” approached one officer and filmed him while asking for his shield number. § 87(2)(b) made no mention of any officer using profanities.

Detective Beddows denied using the word “fuck” towards § 87(2)(b) and did not recall any other officers using profanities towards him. He denied that anyone requested his name or shield number and did not know whether anyone requested this information from his partners.

Police Officer Figueroa stated that he used profanities because the scene was “chaotic,” and § 87(2)(b) was “combative.” He could not recall whether any of his partners used profanities. The

crowd requested the officers' names and shield numbers, but Police Officer Figueroa did not recall whether Detective Beddows or Sergeant Valentino refused to provide it to them. Police Officer Figueroa denied that Detective Beddows laughed at § 87(2)(b)'s request for his name and shield number.

Sergeant Valentino did not recall himself or any other officer using the word "fuck," nor did he recall whether anyone in the crowd requested his or anyone else's name or shield number.

§ 87(2)(g)
[REDACTED]

[REDACTED]

Allegation (P) – Abuse of Authority: Police Officer Keith Figueroa refused to provide his name to § 87(2)(b)

In a video by an unidentified witness (Board Review 08), a male voice is repeatedly heard requesting the officers' names and shield numbers collectively in a loud tone throughout the video. After the officers take § 87(2)(b) to the police vehicle, Police Officer Figueroa walks towards the person filming and says, "I don't need to tell you my name," to someone standing to his right. The same male voice then repeats, "What's your name?"

Police Officer Figueroa stated that group of bystanders asked the officers who they were and requested their shield numbers. Police Officer Figueroa both denied providing his name to these individuals, and stated that he could not recall whether he did so. Police Officer Figueroa identified the officer in the video who said, "I don't need to tell you my name," as himself.

Patrol Guide Procedure 203-09 (Board Review 19) states an officer must "courteously and clearly state [his] rank, name, shield number and command, or otherwise provide them, to anyone who requests [him] to do so." Patrol Guide Procedure 206-03 (Board Review 19) lists "Failure to give name and shield number to person requesting" as a Schedule "B" Violation.

§ 87(2)(g)
[REDACTED]

§ 87(4-b), § 87(2)(g)
[REDACTED]

§ 87(4-b), § 87(2)(g)

Allegation (Z) - Other Misconduct: There is evidence suggesting Sergeant Jason Valentino provided a false official statement in violation of PG 203-08.

On July 18, 2019, the CCRB received a copy of Sergeant Valentino's memo book (or activity log) from Patrol Borough Bronx Anti-Crime (henceforth "first copy"). On December 24, 2019, Sergeant Valentino provided a copy of his memo book when he was interviewed for the first time at the CCRB for this case (henceforth "second copy"). Both copies are saved in Board Review 02.

In the first copy, the entries for this incident read:

2235: *1 male stopped c/o E 183 St / Walton – Susp. Bulge in hoodie pocket. As soon as PO approached, deft became combative & extremely uncooperative.*

2240: *Deft removed to 36PCT, issued C-summons & released.*

2250: *93Q, 96 – Stop Report, C-Summons, TRI - prepared.*

0212: *ROT*

In the second copy, the entries read:

2230: *1 male stopped c/o E 183 St / Walton Ave. M/B, dark hoodie, large bulge in hoodie pocket. Possible firearm. Upon exiting vehicle to approach subject, subject began immediately blading his body and acted aggressively toward PO Figueroa. Subject became irate before PO Figueroa was able to speak. Subject took a fighting stance and began throwing punches at PO Figueroa. The subject was taken to the ground, handcuffed, and removed to the 46PCT.*

0100: *96 to subject for disorderly conduct. TRI 2019-046-0161 prepared. No injuries sustained to subject or MOS.*

0212: *EOT*

The second copy of Sergeant Valentino's memo book has entries written above and below the ones for this incident. In the first copy, the incident appears under the date May 21, 2020, one day prior to the incident date. Nothing was written on Sergeant Valentino's fly page.

Sergeant Valentino was interviewed a second time on January 29, 2020 to address this discrepancy. He believed he made the entries in the first copy "directly" after the incident, and that he wrote the date as May 21, 2020 in error. He acknowledged making the entries in the second copy but did not recall when he made them.

When asked why he had two different entries documenting the incident with § 87(2)(b) Sergeant Valentino said, “I might have thought about it more and had more information that I wanted to add before I came [to the CCRB]. I wanted to update it to make sure I had done my research before I came [to the CCRB].” He did not recall how much time passed between updating his entry and coming to the CCRB on December 24, 2019. He stated that he commonly updates his memo book entries when he feels that “there is more information to enter in,” and he “wanted to add certain details that [he] thought were pertinent to the case.” Sgt. Valentino said, “Whenever I feel like it’s coming down for official investigation, I’m gonna look back into it, and if there’s any more details I think are pertinent to it, I’m gonna re-update it.” He noted that he may have wished to correct the date, as well, and that the entries in the first and second copies are separated by approximately ten pages. (In the first copy, Sergeant Valentino recorded the end of his tour on the same page as the relevant entries.)

Patrol Guide Procedure 203-08 (Board Review 19) states, “The intentional making of a false official statement is prohibited. [...] Examples of circumstances in which false statements may arise include, but are not limited to, lying under oath during a civil, administrative, or criminal proceeding or in a sworn document; lying during an official Department interview conducted pursuant to Patrol Guide 206-13, ‘Interrogation of Members of the Service’ or an interview pursuant to Patrol Guide 211-14, ‘Investigations by Civilian Complaint Review Board;’ and lying in an official Department document or report.”

Patrol Guide Procedure 211-14 (Board Review 19) states an officer must bring the activity log that “corresponds to the date of the incident” to their CCRB interviews.

Patrol Guide Procedure 212-08 (Board Review 19) defines the purpose of activity logs as, “To accurately record activities of uniformed members of the service and aid in the evaluation of such members.” In their activity logs, officers are required to record the day and date, and to chronologically record tasks performed. Officers must make entries beginning on the first line at the top of each page and continuing thereafter accounting for each scheduled tour. They must begin each tour’s entries on the next open line, following the previous tour’s closing entries. Errors must be corrected by drawing a single line through the incorrect entry and initialing. Officers must not erase their entries or use their activity logs as scrap or note pads. They may use the blank side of each page for notes when necessary.

§ 87(2)(g)

[REDACTED]

§ 87(2)(g)

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party (Board Review 22).
- Sergeant Jason Valentino has been a member-of-service for 16 years and has been a subject in six other CCRB complaints and nine other allegations, of which one was substantiated.
 - 201200640 involved a substantiated Discourtesy – Word allegation against Sergeant Valentino. The Board recommended Command Discipline, and the NYPD took no disciplinary action against Sergeant Valentino.
 - Sergeant Valentino’s CCRB history does not reflect any patterns pertinent to this investigation.
- Police Officer Keith Figueroa has been a member-of-service for seven years and has been a subject in two other CCRB complaints and eight other allegations, none of which were substantiated. Police officer Figueroa’s CCRB history does not reflect any patterns pertinent to this investigation.
- Detective Daniel Beddows has been a member-of-service for 19 years and has been a subject in 15 other CCRB complaints and 24 other allegations, of which three were substantiated in two cases.
 - 201409498 involved a substantiated Gun Drawn allegation against Detective Beddows. The Board recommended Formalized Training, and the NYPD imposed Command Level Instructions.
 - 201506415 involved substantiated Vehicle Stop and Vehicle Search allegations. The Board recommended Command Discipline B, and the NYPD imposed Command Discipline A.
 - Detective Beddows’ CCRB history does not reflect any patterns pertinent to this investigation.

Mediation, Civil and Criminal Histories

- This complaint was not suitable for mediation.
- As of February 24, 2020, the New York City Office of the Comptroller had no record of a Notice of Claim being filed in regards to this complaint (Board Review 23).

- According to the Office of Court Administration (OCA), § 87(2)(b) has no history of convictions in New York City (Board Review 24).

Squad No.: 02

Investigator: SI Jean-Paul Lozada Sup. Inv. Jean-Paul Lozada 6/15/2020
Signature Print Title & Name Date

Squad Leader: Alexander Opoku-Agyemang IM Alexander Opoku-Agyemang 6/16/2020
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date